

LAMBROSE | BROWN
William H. Brown, Esq. (7623)
300 S. Fourth St., Ste. 700
Las Vegas, Nevada 89101
Tel: (702) 816-2200
Fax: (702) 816-2300
Email: WBrown@LambroseBrown.com
Attorney for Defendant
Kela Smith

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

No. 2:06-cr-146-RLH-RJJ

Plaintiff,

vs.

**Kela Smith's Unopposed Motion
Seeking Early Termination of
Supervised Release**

KELA ORLANDO SMITH,

Defendant.

Defendant Kela Smith has spent more than three and a half years on supervised release. During that time, he worked while earning an associate's degree and generally displayed exemplary conduct. Now, he seeks early termination of supervised release.

Neither the government, nor Smith's supervising officer, opposes this request. Accordingly, in the interests of justice, the Court should terminate Smith's supervised release and discharge him.

[Blank.]

LAMBROSE | BROWN
300 S. 4th St., Suite 700
Las Vegas, Nevada 89101
Tel: (702) 816-2200
Fax: (702) 816-2300

Background

On December 7, 2007, the Court sentenced Defendant Kela Smith to, *inter alia*, 84 months in prison, followed by five years of supervised release. See judgment entered December 11, 2007 (Dkt. 29). Smith's supervised release commenced February 17, 2012. See Dkt. 30. For the following three and a half years, Smith's conduct was exemplary, save for one incident (a DUI a year and a half ago). See *id.* Smith immediately reported the DUI to his supervising officer and stipulated to modify his release conditions to include random drug testing (including Breathalyzer tests), and re-enrollment in substance abuse counseling. See *id.* Since then, there have not been any issues.

In the meantime, Smith has maintained employment while simultaneously obtaining an associate's degree. See Declaration of Kela Smith (**Ex. 1**); College of Southern Nevada Associates Degree (**Ex. 2**). Smith and his long-time girlfriend of twenty years have five children ranging in ages from three to 17. See *id.* She works in the telemetry department at North Vista Hospital. See *id.* Currently, Smith is enrolling in a bachelor's program, and will balance his studies with an internship at a local privately owned auto mechanics business near Lamb and Lake Meade. See *id.*

Now, Smith seeks early termination of his supervised release.

Terminating Smith's Supervised Release

Under 18 USC § 3583(e)(1), at any time after the expiration of one year of supervised release, and after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)--(1), the Court may terminate a term of supervised release and discharge the defendant released pursuant to the provisions of the Federal Rules

1 of Criminal Procedure relating to the modification of probation if the Court is satisfied that
2 such action is warranted by the conduct of the defendant released and the interest of justice.
3 See 18 U.S.C.A. § 3583(e)(1).

4 Almost four years have elapsed since Smith was placed on supervised release, in
5 February, 2012 and, as discussed, during that time Smith has obtained both vocational and
6 educational training and, with one small exception, demonstrated exemplary conduct. Plainly
7 stated, Smith has been rehabilitated and is now a productive husband, father, and member of
8 the community.
9

10
11 Given Smith's progress, further supervision will yield few, if any, benefits, and the
12 United States Probation Office's resources are much better utilized supervising individuals
13 with educational or vocational deficits, frayed social ties, or greater recidivism indicators.

14
15 Smith's supervising officer (Officer Mauga) does not oppose Smith's request for early
16 termination as long as Smith maintains his sobriety and either continues to pursue his
17 education or obtains full-time employment. Likewise, the government (AUSA Cowhig) does
18 not oppose Smith's early termination request either. Accordingly, early termination of
19 Smith's supervised release is appropriate.
20

21 To the extent it will facilitate granting this request, Smith waives his right to a
22 hearing.¹
23

24
25 ¹ Federal Rule of Criminal Procedure 32.1(c)(1) and (2) require a hearing before modifying the
26 conditions of supervised release unless: (a) the person waives the hearing; or (b) the relief sought is
27 favorable to the person and does not extend the term of probation or of supervised release; and (c)
28 an attorney for the government has received notice of the relief sought, has had a reasonable
opportunity to object, and has not done so. See Fed. R. Crim. P. 32.1(c)(2)(A)-(C).

Conclusion

In conclusion, terminating Smith's supervised release early is timely and appropriate. Neither Smith's supervising officer, nor the government objects to this request, and in light of Smith's progress there is no basis for continuing to devote further limited resources to supervising him. Thus, Smith asks the Court terminate his supervised release immediately.

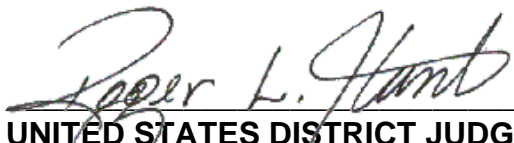
Date: January 5, 2016

Respectfully submitted,

LAMBROSE | BROWN

By: /s/William H. Brown
William H. Brown, Esq. (7623)
300 S. Fourth St., Ste. 700
Las Vegas, Nevada 89101
Tel: (702) 816-2200
Fax: (702) 816-2300
Email: WBrown@LambroseBrown.com
Attorney for Defendant
Kela Smith

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: January 6, 2016

LAMBROSE | BROWN
300 S. 4th St., Suite 700
Las Vegas, Nevada 89101
Tel: (702) 816-2200
Fax: (702) 816-2300

Certificate of Service

I hereby certify that I am an employee of LAMBROSE | BROWN, am of competent age and discretion to serve papers, and that on the date indicated below the foregoing **Kela Smith's Unopposed Motion Seeking Early Termination of Supervised Release** was filed with the Clerk of Court using the CM/ECF system, which will cause electronic service of this document to those registered as an electronic case filing user with the Clerk of Court at the time of electronic filing.

Date: January 5, 2016

By: /s/ Deidra Huynh
An employee of
LAMBROSE | BROWN

With a courtesy copy to:

Daniel Cowhig, AUSA (via email only:
Daniel.Cowhig@usdoj.gov);

Aaron Mauga, United States Parole and
Probation (via email only:
Aaron.Mauga@nvp.uscourts.gov)

LAMBROSE | BROWN
300 S. 4th St., Suite 700
Las Vegas, Nevada 89101
Tel: (702) 816-2200
Fax: (702) 816-2300